

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	AWG Docket No. 10-0225
Tracy L. Brissette)	
)	
Petitioner)	Decision and Order

1. The hearing was held, by telephone, on July 13 and October 15, 2010. Ms. Tracy L. Brissette, the Petitioner (“Petitioner Brissette”) represented herself (appeared *pro se*). Rural Development, an agency of the United States Department of Agriculture (USDA), is the Respondent (“USDA Rural Development”) and was represented by Ms. Mary Kimball.

2. The address for USDA Rural Development for this case is

Mary E. Kimball, Branch Accountant
USDA / RD New Program Initiatives Branch
Bldg 105 E, FC-22, Post D-2
4300 Goodfellow Blvd
St Louis MO 63120-1703

mary.kimball@stl.usda.gov 314.457.5592 phone
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Summary of the Facts Presented

3. Petitioner Brissette owes to USDA Rural Development a balance of **\$2,005.53** (as of June 14, 2010) in repayment of USDA Farmers Home Administration loans made to her in 1994 to buy a home in Florida, the balance of which is unsecured (“the debt”). *See* USDA Rural Development Exhibits, plus Narrative, Witness & Exhibit List Revised August 24, 2010 (filed August 26, 2010), which are admitted into evidence, together with Ms. Kimball’s testimony.

4. Potential Treasury fees in the amount of 28% (the collection agency keeps 25% of what it collects; Treasury keeps another 3%) on **\$2,005.53** would increase the current balance by \$561.55, to \$2,567.08. *See* USDA Rural Development Exhibits, esp. RX-5.

5. Petitioner Brissette's testimony and exhibits (filed July 27, 2010), which are admitted into evidence, prove that currently she is not employed except for odd jobs and cleaning house; she attends college to achieve a business management degree; she pays \$200 per month to help support her son, who is 19 years old this year and lives with his father; and both her son's father and Petitioner Brissette receive food stamps.

6. USDA Rural Development has determined that it would not be cost effective to pursue wage garnishment. USDA Rural Development is **cancelling** the remaining debt.

Findings, Analysis and Conclusions

7. The Secretary of Agriculture has jurisdiction over the parties, Petitioner Brissette and USDA Rural Development; and over the subject matter, which is administrative wage garnishment.

8. Petitioner Brissette owes the debt described in paragraphs 3 and 4.

9. No garnishment is authorized; no further repayment of the debt through *offset* of Petitioner Brissette's income tax refunds or other Federal monies payable to the order of Ms. Brissette is authorized; no form of further debt collection from Petitioner Brissette is authorized.

10. No refund to Petitioner Brissette of monies already collected is appropriate, and no refund to Petitioner Brissette is authorized.

Order

11. No further collection of the debt is authorized.

12. USDA Rural Development is **cancelling** the remaining debt.

Copies of this Decision shall be served by the Hearing Clerk upon each of the parties.

Done at Washington, D.C.
this 18th day of October 2010

Jill S. Clifton

Jill S. Clifton
Administrative Law Judge

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